

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Anthony M. Werts, #337940,)	
a/k/a Anthony Michael Werts,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:10-cv-2153-TLW-TER
)	
Jon Ozmint, Director; Stevenson,)	
Warden,)	
)	
Defendants.)	
_____)	

ORDER

On August 20, 2010, the plaintiff, Anthony M. Werts (“plaintiff”), proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. (Doc. #1). The case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 41). On June 20, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the defendants’ motion to dismiss (Doc. # 18) be granted. (Doc. # 41). Alternatively, the Magistrate Judge recommends this action be dismissed pursuant to Federal Rule

of Civil Procedure 41(b). (Doc. # 41). The plaintiff filed no objections to the Report. Objections were due on July 8, 2011.¹

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 41). For the reasons articulated by the Magistrate Judge, the defendants' motion to dismiss (Doc. # 18) is **GRANTED**. Alternatively, this action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

September 14, 2011
Florence, South Carolina

¹ In their motion to dismiss and the suggestion of death filed with the Court, the defendants indicate that the plaintiff is deceased. (Docs. 18, 31). As set forth in the Report and Recommendation, procedures were followed allowing for party substitution. To date, nobody has come forward requesting to be substituted for the plaintiff in this action.